

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA**

GOFF GROUP, INC., et al.	)	
	)	
Plaintiff,	)	
	)	CASE NO. 2:06-cv-00389-SRW
vs.	)	
	)	
PHOENIX-DURANGO, LLC, et al.	)	
	)	
Defendants and	)	
Counterclaim Plaintiffs,	)	
	)	
vs.	)	
	)	
JOHN GOFF, et al.,	)	
	)	
Counterclaim Defendants.	)	

---

**ANSWER OF SUNTRUST BANK**

---

Comes now SunTrust Bank, one of the Counterclaim Defendants in this matter, and answers the Counterclaim of Phoenix-Durango, LLC, as follows:

1. SunTrust Bank admits that it is a corporation organized under and by virtue of the laws of the State of Georgia and has its principal place of business in the State of Georgia.

2. SunTrust Bank admits that it holds a judgment lien against John W. Goff in the sum of Eighty-three Thousand Four Hundred Ten and 13/100 Dollars (\$83,410.13) as of February 8, 2006 as entered by the Circuit Court of Montgomery County, Alabama, CV-2005-003-JH.

3. SunTrust Bank admits that if Phoenix-Durango, LLC, succeeds on its claim of judicial foreclosure, that SunTrust Bank is entitled to receive any proceeds that might be

available to it according to its level of seniority with respect to any other lien or judgment holders.

4. None of the other allegations in the Counterclaim are directed toward SunTrust Bank and, therefore, no response appears to be required from SunTrust Bank as to those additional allegations. To the extent that any such response is required, SunTrust Bank is without sufficient information to admit or deny such allegations, and therefore demands strict proof thereof.

5. SunTrust Bank has done no wrong in this matter and was not the proximate cause of injury to the Plaintiffs, Defendants, or Counterclaim Plaintiff.

6. The Counterclaim fails to state a claim against SunTrust Bank for which relief for damages as against SunTrust Bank could be granted.

7. SunTrust Bank reserves the right to assert any additional defenses as discovery progresses in this cause.

Respectfully submitted this 11<sup>th</sup> day of July, 2006.

/s/ I. Ripon Britton, Jr.

---

I. RIPON BRITTON, JR. (ASB4293-T831)  
Attorney for SunTrust Bank  
rbritton@handarendall.com

OF COUNSEL:  
Hand Arendall, LLC  
2001 Park Place North  
1200 Park Place Tower  
Birmingham, AL 35203  
(205) 324-4400 telephone  
(205) 311-1163 facsimile

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA**

GOFF GROUP, INC., et al.	)	
	)	
Plaintiff,	)	
	)	CASE NO. 2:06-cv-00389-SRW
vs.	)	
	)	
PHOENIX-DURANGO, LLC, et al.	)	
	)	
Defendants and	)	
Counterclaim Plaintiffs,	)	
	)	
vs.	)	
	)	
JOHN GOFF, et al.,	)	
	)	
Counterclaim Defendants.	)	

---

**CERTIFICATE OF SERVICE**

---

I hereby certify that on July 11, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/EF system which will send notification of such filing to the following:

Jamie Austin Johnston  
jj@hsy.com  
Haskell Slaughter Young & Gallion, LLC  
*(Attorney for John W. Goff & Goff Group, Inc.)*

Thomas T. Gallion, III  
mp@hsy.com  
Haskell Slaughter Young & Gallion, LLC  
*(Attorney for John W. Goff and Goff Group, Inc.)*

Clyde Ellis Brazeal, III  
ebrazeal@walstonwells.com  
Walston Wells Anderson & Bains, LLP  
*(Attorney for Phoenix-Durango, LLC, Jeremiah A. Henderson, II, & Jeremiah A. Henderson, III)*

Vernon L. Wells, II  
vwells@walstonwells.com  
Walston Wells Anderson & Bains, LLP  
*(Attorney for Phoenix-Durango, LLC, Jeremiah A. Henderson, II, & Jeremiah A. Henderson, III))*

Alan Thomas Hargrove, Jr.  
ath@rsjg.com  
Rushton Stakely Johnston & Garrett, PC  
*(Attorney for Companion Property & Casualty Insurance Company)*

F. Chadwick Morriss  
fcm@rsjg.com  
Rushton Stakely Johnston & Garrett, PC  
*(Attorney for Companion Property & Casualty Insurance Company)*

Winston Whitehead Edwards  
wedwards@crdlawfirm.com  
Craddock Reneker & Davis, LLP  
*(Attorney for Atkinson, Haskins, Nellis, Holeman, Brittingham)*

David Cushing Hilyer  
dhilyer@crdlawfirm.com  
Craddock Reneker & Davis, LLP  
*(Attorney for Atkinson, Haskins, Nellis, Holeman, Brittingham)*

Jason James Baird  
jbaird@slatenlaw.com  
Slaten & O'Connor, PC  
*(Attorney for Arthur M. Leadingham, Jr.)*

Patricia Allen Conover  
patricia.conover@usdoj.gov  
U.S. Attorney's Office  
*(Attorney for United States of America)*

Paul L. Beckman, Jr.  
page@cbrlegal.com  
*(Attorney for AAA Groundskeepers)*

George Marion (Jack) Neal, Jr.  
jneal@sirate.com  
Sirote & Permutt, P.C.  
*(Attorney for GE Capital Corporation)*

Anthony Ryan Smith  
tsmith@Sirote.com  
Sirote & Permutt, P.C.  
*(Attorney for GE Capital Corporation)*

Paul Kenneth Lavelle  
plavelle@ysllaw.com  
Yearout Spina & Lavelle, PC  
*(Attorney for Greenwich Insurance Company & XL Specialty Group)*

Donald Christopher Carson  
ccarson@burr.com  
Burr & Forman, LLP  
*(Attorney for Cameron H. Harris & Co., Inc.)*

Janine L. Smith  
jsmith@burr.com  
Burr & Forman, LLP  
*(Attorney for Cameron H. Harris. & Co., Inc.)*

that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

Michael J. Ernst  
Stokes, Lazarus & Carmichael, LLP  
80 Peachtree Park Drive, NE  
Atlanta, GA 30309-1320

Companion Property & Casualty Insurance Company  
c/o James F. Garrett, Registered Agent  
184 Commerce Street  
Montgomery, AL 36104  
*(Pro Se)*

William Joseph Duncan  
c/o Southern Brokerage Services, Inc.  
80 TechnaCenter Drive  
Montgomery, AL 36117  
*(Pro Se)*

GE Capital Corporation  
c/o the Corporation Company,  
Registered Agent  
2000 Interstate Park Drive, Ste. 204  
Montgomery, AL 36109  
*(Pro Se)*

MBNA America Bank  
Registered Agent, MBNA America Bank  
1100 North King Street  
Wilmington, DE 19884  
*(Pro Se)*

Kemmons Wilson, Inc.  
CSC Lawyers Incorporating Service, Inc.  
Registered Agent  
150 Perry Street  
Montgomery, AL 36104  
*(Pro Se)*

State of Alabama  
Office of the Attorney General  
Alabama State House  
11 South Union Street  
Montgomery, AL 36130 *(Pro Se)*

Lewis B. Hickman, Jr.  
915 S. Hull Street  
Montgomery, AL 36104

Stuart Allan & Associates, Inc.  
CSC Lawyers Incorporating Service, Inc.  
Registered Agent  
150 Perry Street  
Montgomery, AL 36104  
(*Pro Se*)

Willis of North America  
The Corporation Trust Company  
(*Pro Se*)

Meadow Brook North, LLC  
3595 Grandview Parkway, Suite 400  
Birmingham, AL 35243-1930  
(*Pro Se*)

/s/ I. Ripon Britton, Jr.

---

I. RIPON BRITTON, JR. (ASB4293-T831)  
Attorney for SunTrust Bank  
rbritton@handarendall.com

OF COUNSEL:  
Hand Arendall, LLC  
2001 Park Place North  
1200 Park Place Tower  
Birmingham, AL 35203  
(205) 324-4400 telephone  
(205) 311-1163 facsimile